

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>HORTON HOMES, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 2:07-cv-506-MEF</b>
	)	
<b>LARUE BANDY, MARIE BANDY,</b>	)	
<b>PATRICK PRITCHETT, WILLIAM</b>	)	
<b>SHANER, ELSIE FONDREN</b>	)	
<b>AVERETTE, WILLIAM CRUTHIRDS,</b>	)	
<b>and SHERRIE CRUTHIRDS,</b>	)	
	)	
<b>Defendants.</b>	)	

**REQUEST FOR PRODUCTION OF DOCUMENTS**

COMES NOW the Defendant, pursuant to Rule 34 of the Federal Rules of Civil Procedure, and request Plaintiffs, separately and severally, to produce the following documents and things for inspection at the law offices of Hawthorne & Myers, LLC in Montgomery, Alabama 36104, within the time provided by law.

Defendant demands that you produce the documents described herein below, whether the same be in your possession or subject to the control of you or any of your agents, representative, employees, servants, accountants and/or attorneys. Defendant further states that this Request is of a continuing nature as provided for by the Federal Rules of Civil Procedure, requiring timely additions or supplementations for the documents and records and things which are discovered or become available to you subsequent to the time of the production as noted herein. Defendant further demands that the documents requested hereinbelow be produced in the file folder or other container in which they are maintained or stored, and that the order or sequence of the documents, if more than one within a file is requested, be in the same order or sequence within such file as was

maintained in the ordinary course of business just prior to the production thereof.

If you object to the production of any document based upon a claim that such document is privileged, for each document, supply the following information, to-wit:

- A. The author of the document;
- B. The person or persons to whom the document was addressed;
- C. The date of the document; and
- D. The subjects discussed in the said document;

### **DEFINITIONS**

"Document" shall mean every original and every nonidentical copy (including blind copies) of each and every paper, writing, email, picture, photograph, slide, movie, film, visual or audio transcription, videotape, tape recording, video recording, sound recording, microfilm, data stored or recorded on or in punch cards, computer tapes, disks, reels, or other devices for business machines or other means of storing and/or transmitting human intelligence, or any other printed or readable material. To be included without limitation, in this definition of "document", are every invoice, statement, ledger sheet, recommendations, endorsement, order, direction, letter, email, telegram, teletype, facsimile, report, memorandum (including, without limitation, every intra-office memorandum, file memorandum, and memorandum of telephone conversation), interview sketch, diagram, graph, chart, note (including, without limitation, notes used to prepare any letter, memorandum, report, or other documents as herein defined), contract, agreement, form, work sheet, time sheet, expense ledger, check (cancelled or otherwise), check stub, voucher receipts, witness (including potential witness) statement (signed or unsigned), transcript, interview, sound recording transcription, videotape, computer printout, book of account, payroll of records, minutes, diaries

(both office and personal), log, file card, raw data, notes and/or travel report, data evidence, statement of expense incurred, report of investigation, report of interview, record, brochure, book exhibit, draft, certificate, table price list and any other tangible item or thing or readable or visual material of whatever nature and each and every file folder or other container in which the above items are stored, filed, or maintained.

The documents requested are as follows:

1. Please provide a true and correct copy of each and every manufacturer's warrant that came with the mobile homes purchased by each defendant in this case.
2. Please provide a true and correct copy of each and every homeowner's manual that came with the mobile homes purchased by each defendant in this case.

Respectfully submitted this 5th day of October, 2007.

/s/ Frank H. Hawthorne, Jr  
Frank H. Hawthorne, Jr.

/s/ Randy Myers  
Randy Myers

OF COUNSEL:  
Hawthorne & Myers, LLC  
322 Alabama Street  
Montgomery, AL 36102  
(334) 269-5010  
(334) 834-0080

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served upon all counsel of record by placing a copy of same in the United States Mail, first class postage prepaid, and properly addressed, this the 5th day of October, 2007:

Sydney F. Frazier, Jr., Esq.  
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/s/ Frank H. Hawthorne, Jr.  
OF COUNSEL